

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ERNEST L. ROTHGEB,	:	
Plaintiff,	:	Case No. 3:08cv00115
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
Defendant.	:	

DECISION AND ORDER

This case is before the Court upon the parties' Stipulation Regarding Attorney Fees And Costs Pursuant To The Equal Access To Justice Act (EAJA). (Doc. #15). The parties agree that Plaintiff is entitled to an award of attorney fees and costs under the EAJA, 28 U.S.C. §2412, in the total amount of \$3,400.00. Accordingly, the Court hereby **ORDERS** that pursuant to the parties' Stipulation:

1. The Commissioner shall pay Plaintiff's attorney fees and costs pursuant to the EAJA in the total amount of \$3,400.00;
2. Plaintiff's Motion for Attorney Fees (Doc. #14) is DENIED as moot; and
3. The case remains terminated on the docket of this Court.

July 21, 2009

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge